

Appln. No. 09/944,009  
Amendment dated July 21, 2004  
Reply to Office Action mailed April 22, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1, 3, 4, 7, 8, 10 through 16, 21 through 24, and 26 remain in this application. Claims 2, 5, 6, 9, and 17 through 20 have previously been cancelled. No claims have been withdrawn or added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 2 through 6 of the Office Action

Claims 1, 4, 11, 21 through 23 and 26 have been rejected under 35 U.S.C. §102(b) as being anticipated by Doberne (USPN 3,602,419).

Claim 7 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Doberne (USPN 3,602,419) in view of York (USPN 4,030,654).

Claims 1 and 11, particularly as amended, each requires "wherein the channel of the guide bushing has *an entire length extending from a first end of the guide bushing to a second, opposite end of the guide bushing*, the channel having a substantially uniform diameter along *said entire length of the guide bushing*" (emphasis added), while claim 1 additionally requires "wherein the uniform diameter of the channel of the guide bushing *along said entire length* is slightly larger than a diameter of the forward end of the drive punch" (emphasis added).

While it is alleged in the Office Action that "[t]he guide bushing of Doberne has indefinite number of lengths", it is submitted that the Doberne device would only have one "entire length" as defined in claims 1 and 11, and that the "entire length" as applied to the Doberne patent does not disclose the would not show "the channel having a substantially uniform

Appln. No. 09/944,009  
Amendment dated July 21, 2004  
Reply to Office Action mailed April 22, 2004

diameter along said entire length of the guide bushing" as required by claims 1 and 11. Applicant has previously noted:

It is submitted that one of ordinary skill in the art would not consider the diameter of the bore through the sleeve member 18 of Doberne to be substantially uniform along the length of the sleeve member 18. Specifically, Doberne discloses in the drawings that the diameter upper portion of the bore of sleeve member 18 is at least four times greater than the diameter of the lower portion of the bore of sleeve member 18. And this is not merely a quirk in the drawings, as the upper portion of the bore of sleeve 18 is sized to accept a portion or section of the spring 31, while the lower portion of the bore of sleeve member 18 must be smaller to form a shoulder for the spring 31 to bear against to bias the sleeve member 18 outward. Clearly, the intervening shoulder between the upper portion of the bore and the lower portion of the bore of the sleeve member 18 of Doberne must not be uniform so as to form the shoulder against which the spring must be able to bear.

As Doberne does not disclose, and would not lead one of ordinary skill in the art to, the claimed relationship set forth in claims 1 and 11, it is submitted that claims 1 and 11, as well as claims 4, 7, 21, 22, 23, and 26 are allowable over Doberne and are in fact in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1, 4, 7, 11, 21 through 23 and 26 is therefore respectfully requested.

Paragraph 9 of the Office Action

Claims 8, 10, 15, 16 and 24 have been allowed.

Appln. No. 09/944,009  
Amendment dated July 21, 2004  
Reply to Office Action mailed April 22, 2004

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

LEONARD & PROEHL, Prof. L.L.C.

By 

Date: 7/21/04

Jeffrey A. Proehl (Reg. No. 35,987)  
LEONARD & PROEHL, Prof. L.L.C.  
3500 South First Avenue Circle, Suite 250  
Sioux Falls, SD 57105-5807  
(605)339-2028 FAX (605)336-1931